

Shawn Talbot Rice  
 PO Box 700#81  
 Yavapai county  
 Ash Fork 86320  
 Arizona  
 In Propria Persona

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
 Plaintiff,  
 vs.

SAMUEL DAVIS and  
 SHAWN RICE,

Defendants.

SHAWN RICE,  
 Counter-Plaintiff/Claimant,  
 vs.

UNITED STATES OF AMERICA,  
 INTERNATIONAL MONETARY FUND  
 (I.M.F.) A/K/A THE FUND, FEDERAL  
 BUREAU OF INVESTIGATION, and THEIR  
 PRINCIPAL,  
 Counter-defendants/Libelants,

Shawn Rice, Real Party in Interest, Third Party  
 Intervener, Protected Creditor to Plaintiff by  
 revesting title, Sovereign without subjects,  
 Protected Creditor pursuant to UCC 8, Trust  
 Interest Holder, and Beneficial Owner of the  
 Estate by Statute Merchant, and a Title 18  
 Section 245 Federally Protected Legal &  
 Lawful Municipality.

Case No.: 2:09-CR-078

**MANDATORY JUDICIAL NOTICE OF  
 STATUS RELATION OF SIMPE  
 CORPORATION SOLE TO ITS TITULAR  
 HEAD WITH POINTS AND  
 AUTHORITIES**

Real Party in Interest (RPIL) appears specially and not generally and notices the court of  
 the status relation between SIMPE Corp Sole and its titular head property rights in relation  
 therein.

In the Massachusetts case of The Overseers of the Poor of the City of Boston v. David  
 Sears, 39 Mass (2 Pick) 122 at 128 (1839) the Massachusetts Supreme Court there described  
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 DISTRICT OF NEVADA  
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1 some of the distinguishing aspects between a corporation sole and corporation aggregate as  
2 follows:

3 "...In all these aspects, the distinction between an aggregate and sole corporation,  
4 growing out of the different modes of constitution and forms of action, is striking and  
5 obvious. A bishop or parsons acting in a corporate capacity and holding property to him and  
6 his successor in right of office, has no need of a corporate name, he requires no particular, he  
7 performs all legal acts under his own seal, In his own name and name of office; his own will  
8 alone regulates his acts and he has no occasion for a secretary, for he need not keep a record  
9 of his acts, need no treasurer, for he has no personal property except the rents and proceeds  
10 of the corporate estate, and these he takes to his own use when received. By-laws are  
11 unnecessary, for he regulates his own action, by his own will and judgment, like any other  
12 individual acting in his own right. But it is not necessary to pursue the comparison into all its  
13 details; the points suggested are sufficient to show the legal distinctions between the two  
14 classes of corporations."

15  
16 The Overseers case was decided in 1839. In a more recent decision in 1983, the  
17 California Second Appellate District decided *County of San Luis Obispo v. Delmar Ashurst*, 146  
18 Cal.App.3d 380, 194 Cal.Rptr. 5 (1983) wherein it insightfully stated:

19 "...The issue as defined by the trial court, 'is whether the assets of its corporation sole are  
20 the personal assets of its titular head, and thus subject to execution for his or her debts.' The  
21 answer on the basis of legal authorities defining the corporation sole and its attributes must  
22 be, as the trial court concluded, an unequivocal 'no.' The corporation sole is a venerable  
23 creation of the common law of England, and is well established under common law in  
24 California. (*Santillan v. Moses* (1850) 1 Cal. 92; *Archbishop v. Shipman* (1889) 79 Cal. 283.  
25 California by statute has legitimized this tradition and regulates the formalities attendant  
26 upon the creation and continued existence of the corporation sole (California Corp. Code  
27 Section 10000 et. seq.). One principal purpose of the corporation sole is to insure the  
28 continuation of ownership [quiet possession given by God under Abrahamic Covenant]  
29 dedicated to the benefit of a religious organization which may be held in the name of the  
30 titular head [The Office]. Title [quiet possession by inheritance from God] will not then be  
31 divested or passed to that person's heirs upon the death of the office holder but will be  
32 retained for the benefit of the religious group and passed to the successors to his office.

33  
34 The topic was covered by Blackstone who described the corporation sole as follows:

35 "Corporation sole consist of one person only and his successors, in some particular  
36 station, who are incorporated by law, in order to give them some legal capacities and  
37 advantages, particularly that of perpetuity, which in their natural persons they could not have  
38 had. In this sense the king is a corporation sole; so is a bishop; some are deans, prebendaries,  
39 distinct from their several chapters; and so is every parson and vicar. And the necessity of at  
40 least use, of this institution will be very apparent, if we consider the case of a parson of a

1 church. At the original endowment of parish churches, the freehold of the church, the  
 2 churchyard, the parsonage house, the globe, and the tithes of the parish, were vested in the  
 3 then parson by the bounty of the donor, as a temporal recompense to the intent that the same  
 4 emoluments should afterwards continue as a recompense for the care. But how was this to be  
 5 effected? The freehold was vested in the parson; and, if we suppose it vested in his natural  
 6 capacity, on his death it might descend to his heir, and would be liable to his debts and  
 7 encumbrances; or at best, the heir might be compellable, at some trouble and expense, to  
 8 convey these rights to the succeeding incumbent. The law therefore has wisely ordained, that  
 9 the parson, quatenus (as) parson, shall never die, any more than the king; by making him and  
 10 his successors a corporation. By which means all the original rights of the parsonage are  
 11 preserved entire to the successor; for the present incumbent, and his predecessor who lived  
 12 seven centuries ago, are in law one and the same person; and what was given to the one was  
 13 given to the other also." (1 Blackstone's Commentaries, Ch 18, pp. 469-470).

14  
 15 The Vatican gave formal approval to the corporation sole as one of the approved methods  
 16 of holding title to church property in a private letter sent to the American bishops in 1911.  
 17 For the text, see 2T. Bouscaren, Canon Law Digest 443 (1966) A. Maida & N. Cafardl,  
 18 Church Finances and Church Related Corporations 129 (1986).

19 "The office of bishop in most dioceses in the U.S. is a corporation sole." 4 New Catholic  
 20 Encyclopedia, Corporation 337 (1967). A current review as of 1988 reveals approximately  
 21 one-third of the diocesan bishops are corporations sole. The remainder of the dioceses have  
 22 small boards, usually appointed by the bishop. See Maitland, The Corporation Sole, 16 Law  
 23 Quarterly Review 335 (1900), reprinted in F. Maitland, Selected Essays 73 (1936). There is  
 24 however a biography entitled Corporation Sole, a life of Cardinal Mundelain, see E.  
 25 Kantowicz, The Corporation Sole (1983).

26 In 1985 the State of Nevada had its own statutes regarding corporation sole at Nevada  
 27 Revised Statutes Section 84.010-080.

28 The doctrine of comity involves the recognition that one sovereignty allows within the  
 29 territory to the legislative, executive, or judicial act of another sovereignty, having due regard for  
 30 its own citizens. In general, the principle of comity is that the courts of one state or jurisdiction

1 will give effect to the laws and judicial decisions of another state or jurisdiction, not as a matter  
 2 of obligation, but out of deference and mutual respect. Brown v. Babbit Ford, Inc., 117 Ariz.  
 3 192, 571, P.2d 689, 685. Although the term "comity" is defined in Black's Law Dictionary 6<sup>th</sup>  
 4 ed. (1991) at page 267, the question is by no means clear whether each state, county, or other  
 5 political subdivision thereof will automatically recognize a corporation sole acknowledged by  
 6 the Nevada Secretary of State, or any other State.

7 In the relation herein, SIMPE Corp, was originally filed in Washington State (1998),  
 8 Arizona (1998), and California (2009).

9 And, in the relation between Shawn Rice and SIMPE Corp is one of eleemosynary,  
 10 religious office holder with a separation of assets between the corporation sole and its titular  
 11 head/office holder. Therein, the liabilities, duties, and rights are also separate in the court, case  
 12 no. 2:09-CR-078.

13 RESPECTFULLY SUBMITTED this 25 September, 2009.

14  
 15 

16 Shawn Talbot Rice, Real Party in Interest,  
 17 Third Party Intervener, Protected Creditor to  
 18 Plaintiff by revesting title, Sovereign without  
 19 subjects, Protected Creditor pursuant to UCC 8,  
 20 Trust Interest Holder, and Beneficial Owner  
 21 of the Estate by Statute Merchant, and a Title 18  
 22 Section 245 Federally Protected Legal & Lawful Municipality.  
 23

**CERTIFICATE OF SERVICE**

COPY of the forgoing hand delivered, this 18 day of October, 2009, to:

Assistant U. S. Attorney Eric Johnson  
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Las Vegas, Nevada 89101  
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